THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 10872 of 2005

01-02-2006

Between:

1. Vilas V.Afzal Purkar, S/o. Vishwanath Rao,
   Flat No.507, R.K.S.Apartment, Hyderguda, Hyderabad. And others.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep. by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 10872 of 2005

O R D E R:

This writ petition has been filed by the petitioners with a prayer to issue a writ, Order or direction more particularly one in the nature of Mandamus declaring the action of the 1st respondent in issuing notification under Section 4(1) and Draft Declaration under Section 6 of the Land Acquisition Act (for short 'the Act') which were Published in the Extradinary

Gazettee on 08.03.2004 and 09.03.2004 respectively as illegal and arbitrary.

When W.P.M.P.NO. 13969 of 2005 came up for consideration, both the counsel represented that the matter is squarely covered by the Judgment of this Court in W.P.NO.20462 of 2004. In view of the above submission, the writ petition itself is taken up for hearing.

Heard the learned counsel appearing for both the parties.

In W.P.No.20462 of 2004, this Court held that dispensing with the enquiry under Section 5A of the Act as bad and accordingly directed the authorities to hold an enquiry under Section 5A of the Act. The relevant portion of the order passed in the above writ petition reads as follows:

> " In this case, though the proposals for acquisition were received from the Inspector General of Grey Hounds was in 2003, the decision to acquire the said land was taken only in 2004. It is well known that the maximum period within which an enquiry under Section 5A of the Act is to be completed is 30 days. There is nothing on record to show that the purpose of acquisition would be defeated if the land is not taken possession of immediately or the purpose for which the land is to be acquired would not brook delay of 30 days.
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> Apart from the above reasons, as rightly contended by for the above reasons that part of the notification impugned dispensing with the enquiry under Section 5A of the Act only, is quashed and 2nd respondent (LAO) is directed to hold an enquiry under Section 5A of the Act by giving an opportunity to the petitioner to show cause why its land should not be acquired and complete the enquiry within one month from the date of receipt of the copy of this order and take further steps as per the provisions of the Act. No order as to costs."

In view of the fact that the issue involved in this writ petition has been squarely covered by the decision of this

Court in the above writ petition, this writ petition is disposed of directing the 3rd respondent-Spl.Deputy Collector, L.A. (Industries), Collectorate Complex, Ranga Reddy District, Hyderabad, to conduct enquiry under Section 5A of the Act by giving opportunity to the petitioners as to why their land should not be acquired and complete the same within a period of one month from the date of receipt of a copy of this order and take further steps as per the provisions of the Act. No costs.

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01-02-2006

MjI/*